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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,695	05/25/2005	Stephen W Vorley	CU-4085 RJS	1593
26530 7590 10/18/2007 LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			EXAMINER RIPLEY, JAY R	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,695	Applicant(s) VORLEY ET AL.	
	Examiner Jay R. Ripley	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/15/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/08/2005, 08/08/2007</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> . |

DETAILED ACTION

Election/Restrictions

1. Claims 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 08/08/2007.

2. Applicant's election with traverse of the invention of a pipe coupling in the reply filed on 08/08/2007 is acknowledged. The traversal is on the ground(s) that the Examiner has not met the burden of explaining why each group lacks unity. This is not found persuasive because as noted in the Office Action filed 07/09/2007, the special technical features of the claim groupings were indicated in page 2. The first group of claims 1-5 is drawn to the special technical feature of a compression coupling, the coupling having toothed peripheries on both the nut and collar. The second group of claims 6-9 is drawn to the special technical feature of a tool for compressing the ends of two pipes together, the tool combining both a preloading feature and a nut driving feature. The Examiner has underlined for emphasis the aspects of the two diverse special technical features that the Examiner interprets to be new to their respective arts. The special technical features of the two inventions are not the same, the special technical features are not dependent upon one another, and, therefore, the two groups of claims lack unity.

3. The requirement is still deemed proper and is therefore made FINAL.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

5. The information disclosure statements (IDS) filed on 04/08/2005 and 08/08/2007 were considered by the examiner.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because of the use of legal phraseology, i.e. the term "means" in lines 1 and 12. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without

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underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

8. The disclosure is objected to because of the lack of appropriate headings.

Appropriate correction is required.

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: COUPLING FOR CONNECTING TUBES WITH A NUT-RUNNER.

Claim Objections

10. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).
11. Claim 1 is objected to because of the following informalities: the claims are objected to for not being in accordance with 37 CFR 1.75(i), "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.
12. Appropriate correction is required.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
14. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
15. In regard to claim 1, the limitation "the pipe" is recited in line 2. There is insufficient antecedent basis for this limitation in the claim. Further, it is unclear as to how many pipes comprise the Applicants' invention. It is noted that the original Figures 1, 2, 3, 4, 5, 7, and 9 show two pipes.
16. In regard to claim 1, the limitation "the preload" is recited in line 8. There is insufficient antecedent basis for this limitation in the claim.

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17. In regard to claim 1, it is recited in the functional recitation in lines 8-9, “a corresponding threaded nut”. It is unclear if this “threaded nut” the same “nut” as recited in line 2 of claim 1.

The Examiner interprets the noted “threaded nut” recited in line 9 to be the same structural element “nut” as recited in line 2.

18. In regard to claim 3, it is recited in lines 2-3, “wherein a rear portion of said collar is”. It appears that the Applicant is reciting a limitation to be applied to a non-positively claimed structural element, i.e. the collar. The Examiner notes that the collar is only functionally recited in claim 1, line 9.

19. In regard to claim 3, it is recited in lines 2-3, “wherein a rear portion of said collar is” (emphasis added). The term “rear” is a relative term that requires a frame of reference so that one of ordinary skill can properly deem what is the “rear portion” of a constituent element.

20. In regard to claim 4, it is recited in line 3, “wherein a rear portion of said collar has”. It appears that the Applicant is reciting a limitation to be applied to a non-positively claimed structural element, i.e. the collar. The Examiner notes that the collar is only functionally recited in claim 1, line 9.

21. In regard to claim 4, it is recited in line 3, “wherein a rear portion of said collar” (emphasis added). The term “rear” is a relative term that requires a frame of reference so that one of ordinary skill can properly deem what is the “rear portion” of a constituent element.

22. In regard to claim 5, it is recited in lines 2-3, “wherein a rear portion of said nut” (emphasis added). The term “rear” is a relative term that requires a frame of reference so that one of ordinary skill can properly deem what is the “rear portion” of a constituent element.

Claim Rejections - 35 USC § 102

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapman et al (E.P. 231076 A1).

25. In regard to claim 1, Chapman et al disclose in Figures 1 and 2, see Attachment A, a means of connecting pipes, comprising

a seal (2) (as observed in Figure 2, see Attachment A),

flanges (as observed in Figure 2, see Attachment A),

a threaded portion (as observed in Figure 2, see Attachment A) and

a nut (as observed in Figure 2, see Attachment A),

wherein the end portion of the pipe is equipped with a concentric press surface located immediately proximal to the periphery of the pipe and designed to be capable of taking an axial pressure (the noted surface is capable) from a preloading tool, the pressure directed compressingly towards the pipes' end portions, which pressure is distributed evenly or point-by-point about the periphery of the pipe and sufficient to preload the seal, the preload of the seal principally being retained by a corresponding threaded nut and collar after removal of the preloading tool.

26. In regard to claim 2, Chapman et al further disclose that the nut has a flange (as observed in Figure 2, see Attachment A) designed to be able to take an axial pressure from the preloading

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tool (the noted nut flange is capable of taking an axial pressure), which pressure is distributed evenly or point-by-point about the periphery of the nut and directed towards the pipe flange (if axial pressure were applied to the noted nut flange surface, the pressure would be directed towards the closest noted flange).

27. In regard to claim 3, Chapman et al further disclose that a rear portion of the collar (as observed in Figure 2, see Attachment A) is designed to be able to take an axial pressure (the noted rear portion is capable of taking an axial pressure) from the preloading tool, which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange (if axial pressure were applied to the noted rear portion surface, the pressure would be directed towards the closest noted flange).

28. In regard to claim 4, Chapman et al further disclose that a rear portion of the collar has a toothed periphery (as observed in Figure 1, see Attachment A - note that a broad interpretation of the term "toothed" encompasses a knurled surface, as knurling creates a toothed peripheral surface texture).

29. In regard to claim 5, , Chapman et al further disclose that a rear portion of the nut has a toothed periphery (as observed in Figure 1, see Attachment A - note that a broad interpretation of the term "toothed" encompasses a knurled surface, as knurling creates a toothed peripheral surface texture).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay R. Ripley whose telephone number is 571-272-7535. The examiner can normally be reached on 01:00 P.M. - 8:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



J. R. Ripley
14 OCT 2007



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ATTACHMENT A

0231076

